

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MAINE

IN RE:)	Chapter 7
)	
JOHN B. EVEREST and,)	Case No. 10-21181
SUSAN E. EVEREST,)	
)	
DEBTORS.)	

**MOTION TO SHORTEN NOTICE ON TRUSTEE'S MOTION FOR AN ORDER
AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY FREE AND CLEAR OF
LIENS, CLAIMS, INTERESTS AND ENCUMBRANCES**

NOW COMES William H. Howison, the duly appointed Chapter 7 Trustee in the above-referenced case (the "Trustee"), by and through counsel, and respectfully requests this Court to enter its Order pursuant to Federal Rules of Bankruptcy Procedure ("FRBP") 2002, 6004(a) and (c), and 9014, and D.Me. LBR ("LBR") 2002-1, 6004-1, and 9014-1, shortening required notice periods and setting a hearing date on the Trustee's Motion to sell certain real property located at or about at or about 18 Barbara's Way, Kennebunkport, Maine (the "Property") free and clear of all liens, claims, interests and encumbrances (the "Sale Motion"). In support of this Motion, the Trustee states as follows:

JURISDICTIONAL STATEMENT

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §1334(b) and the Standing Order of the United States District Court pursuant to which all cases filed under the Code are automatically referred to this Court. Venue is properly in this District pursuant to 28 U.S.C. §1408. This matter is a core proceeding on which the Court can enter a final order pursuant to 28 U.S.C. §§157(b)(2)(A) and (O).

FILING OF SALE MOTION/BASIS FOR RELIEF

2. The Trustee has, this date, filed the Sale Motion seeking authority to sell the Property by public or private sale. By this Motion, the Trustee seeks a hearing on the Sale Motion on July 25, 2012 at 11:00 a.m., with objections due on or before July 18, 2012.

3. The Trustee anticipates filing a supplemental notice of sale prior to consummating any sale transaction in accordance with the Bankruptcy Code and applicable rules of procedure, including, without limitation, D.Me. LBR 6004-1.

4. The Debtors have consented to the relief requested in the Sale Motion. Maine Revenue Service, the holder of multiple liens against the subject Property, has consented to the relief requested in the Sale Motion. Bank of America, which claims a mortgage interest in the Property, does not consent to the Sale Motion.

5. The requested hearing date is 22 days from the date hereof. However, the next regularly scheduled hearing date in Portland after July 25th is not until August 15th, which is 43 days hence.

6. Given (a) that the Trustee will provide subsequent notice prior to consummating a sale, (b) that the Debtors have consented to the underlying relief sought in the Sale Motion, and (c) the length of time before the next regularly scheduled hearing date for this Court, the Trustee respectfully requests that, to the extent that D.Me LBR 6004-1 would require 28 days' notice of the hearing and an objection date not less than seven days prior thereto, the Court shorten such notice periods and set a hearing on the Sale Motion for July 25, 2012 with objections due by July 18, 2012.

7. The Trustee has given notice of this Motion and the Sale Motion to those parties who have filed a notice of appearance in the Debtors' bankruptcy case as well as those parties

who may claim an interest in the Property, as set forth in the Certificate of Service filed contemporaneously herewith. The Trustee respectfully requests that this Court order that such service was sufficient and that no further notice of the pendency of this Motion or the Sale Motion need be given.

8. Counsel for the Trustee consented with the Office of the United States Trustee regarding this Motion to Shorten Notice. UST CONSENTS to the relief requested herein.

CONCLUSION

WHEREFORE, the Trustee respectfully requests that this Honorable Court enter its order (1) granting the within Motion; (2) finding that the notice of this Motion and the Sale Motion given by the Trustee was sufficient notice and that no further notice of the pendency of these motions is required; (3) scheduling a hearing on the Sale Motion for July 25, 2012 at 11:00 a.m.; and (4) setting an objection deadline for the Sale Motion of July 18, 2012.

Dated at Portland, Maine this 3rd day of July, 2012.

/s/ Joshua R. Dow

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